

REMARKS

Applicants respectfully request reconsideration. Claims 109, 111 and 129-145 were previously pending in this application. Claims 109, 111 and 131-145 have been amended for clarity. As a result, Claims 109, 111 and 129-145 are pending for examination with Claim 109 being independent. No new matter has been added.

It is noted that the clarifying amendments made to Claim(s) 109, 111, and 131-145 are in no way narrowing.

Rejections under 35 U.S.C. §112 (¶1)

Claims 109, 111 and 129-145 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. It is alleged in the Office Action that the term “immobilization islands” recited in the claims was not supported.

Without acceding to the correctness of the rejection, Applicants have replaced this term in Claims 109, 111, 131, and 133-145 with the term “islands”, which is supported in the specification, for example, on page 16, lines 8-18. Thus, this rejection is now moot. Withdraw of the rejection of these claims is therefore respectfully requested.

Rejections under 35 U.S.C. §112 (¶2)

Claims 109, 111 and 129-145 were rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite for the recitation of “immobilization islands” and for the recitation of “background region”.

Without acceding to the correctness of the rejection, Applicants have deleted the terms “immobilization islands” and “background region” from Claims 109, 111 and 131-145. Thus, the rejection of these claims is now moot. Accordingly, withdrawal of the rejections of Claims 109, 111 and 129-145 under 35 U.S.C. §112 is respectfully requested.

The Examiner alleged that Claims 131, 134, and 141-145 lacked consistent antecedent basis for the recitation of “the immobilization islands”. Applicants have changed this term to “plurality of islands” in these claims.

The Examiner alleged that Claim 136 was grammatically indefinite for the recitation of "of a second population of cells". Applicants have deleted "of" so that the claim now reads "a second population of cells."

The Examiner alleged that Claims 139-140 lacked antecedent basis for the recitation of "The method." Applicants have changed "method" to "device" in these claims.

Double Patenting Rejection

Claims 109, 111 and 129-145 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-13 and 18-20 of U.S. Patent No. 5,776,748, Claims 1-15 and 20 of U.S. Patent No. 5,976,826, and Claims 9-15 of U.S. Patent No. 6,368,838. However, the Patent Office stated that a timely filed Terminal Disclaimer in compliance with 37 C.F.R. §1. 321(c) may be used to overcome this rejection.


Without acceding to the correctness of this rejection, enclosed herewith is a Terminal Disclaimer with respect to U.S. Patent Nos. 5,776,748, 5,976,826, and 6,368,838, in compliance with 37 C.F.R. §1.321(c) to overcome this rejection. In view of this Terminal Disclaimer, Claims 109, 111, and 129-145 are believed to be allowable. Withdrawal of the rejection of Claims 109, 111 and 129-145 is therefore respectfully requested.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
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